

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
PRESS COMMUNICATIONS, LLC,)	
(Assignor))	
)	
and)	File No. BAPLCT-990616IB
)	Facility ID No. 53465
EMMIS TELEVISION LICENSE)	
CORPORATION OF ORLANDO)	
(Assignee))	
)	
For Assignment of License of)	
Station WKCF(TV), Clermont, Florida)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: March 20, 2002

Released: April 10, 2002

By the Commission:

1. The Commission has before it a timely application for review filed by Susan Jaramillo and Joseph Rey ("Petitioners"), seeking review of a September 27, 1999, letter ruling by the Chief, Video Services Division, Mass Media Bureau, which dismissed their petition to deny the above-captioned assignment application.¹ In that letter, the Division Chief also granted the subject application to assign the license of station WKCF(TV), Clermont, Florida, from Press Communications, LLC ("Press") to Emmis Television License Corporation of Orlando ("Emmis").²

2. In their petition to deny, Petitioners, principals of Rainbow Broadcasting, Ltd. ("Rainbow"), the former permittee of station WRBW(TV), Orlando, Florida, alleged previously raised claims that Press engaged in a pattern of misrepresentations to the Commission in an attempt to prevent Rainbow from competing effectively in the Orlando, Florida market. The Division concluded that not only did Jaramillo and Rey not have standing to file the petition to deny, but that, even if the petitioners did have standing, their allegations failed to raise a *prima facie* case or a substantial or material question concerning Press' qualifications to assign the license.

¹ Letter to Bruce A. Eisen, Esquire, et al, from Barbara A. Kreisman, Chief, Video Services Division (September 27, 1999).

² The parties consummated that transaction on October 29, 1999.

3. The petitioners now allege that the Division erroneously held that the petitioners were without standing. Specifically, they allege that the Division failed to accord them party status although they claimed they were residents within the service area and viewers of WKCF. They maintain that even if the Commission were to conclude that Jaramillo and Rey had failed to demonstrate personal economic injury as a result of the WKCF(TV) assignment application, their allegations “were surely enough to invoke the Commission’s jurisdiction and to accommodate standing in this case.” As to the substance of those allegations, they allege that the Division’s decision was arbitrary and capricious in that it did not address the petitioners’ claims regarding Press’ qualifications.

4. **Discussion.** As an initial matter, we agree with the petitioners’ assertion that they had standing to file a petition to deny the assignment application as residents within WKCF’s service area and as more than mere transient listeners of the station. *See The Curators of the University of Missouri*, 16 FCC Rcd 1174, 1175 (2001); *CHET-5 Broadcasting, L.P.*, 14 FCC Rcd 13041, 13042 (1999). Nevertheless, despite its erroneous conclusion with respect to standing, the Division did fully consider and address the merits of the petitioners’ allegations. Therefore, we conclude, for the reasons set forth by the Division, that these petitioners did not raise a substantial and material question of fact under Section 309(d)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(d)(1) regarding Press’ qualifications to assign the WKCF license or Emmis’ qualifications to hold the license. Accordingly, we find that no basis exists to warrant reversal of the grant of the WKCF assignment application.

5. Accordingly, IT IS ORDERED that the application for review filed by Susan Jaramillo and Joseph Rey IS GRANTED to the extent indicated herein, AND DENIED in all other respects.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary